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SUBJECT Robert Gates' Confirmation Hearings

PETER JENNINGS: There are several things going on today which really show us all, in a very clear way, what the fallout has been from the Iran-Contra affair. The man who has helped to keep the President so isolated is under new pressure to resign. There is tension between the United States and Israel. The CIA is still trying to explain itself. And the President's ambitions for the Contras in Central America has [sic] been at least undermined.

On Capitol Hill tomorrow, the President had planned to win another \$40 million for the Contras. We begin there with ABC's Ann Compton.

ANN COMPTON: The Senate Foreign Relations Committee split virtually along party lines and approved a complete ban on Contra funding.

SENATOR ALAN CRANSTON: The Contra effort has failed utterly, militarily, diplomatically, and I think also in moral terms. The Contra effort, rather obviously, has poisoned our national government.

COMPTON: The bill to stop Contra aid would commit \$300 million to four struggling democracies in Central America, but that was not enough for Republicans.

SENATOR NANCY KASSEBAUM: We really might as well be honest. This 40 million is the emotional lightning rod of this issue here before us today.

COMPTON: The blow to the President's policy is only symbolic. The \$40 million for the Nicaraguan Contras has already

been appropriated. If Congress passes a resolution to block the aid, the President can still use his veto power to win in the end.

That has sent Democrats scrambling for other strategies, possibly a moratorium until the investigations are complete on the diversion of the Iran arms sale profits, or a moratorium until the Government Accounting Office traces the mysterious disappearance of \$27 million in humanitarian aid sent to the Contras last year.

Today, auditors told Congress the State Department has complained that GAO is being too tough on them.

CHARLES BOWSHER: They have some words in there about the fact that we're holding this program to too high of a standard of accountability in auditing.

MAN: Simply because you asked them where the money went.

BOWSHER: Where the money went.

COMPTON: Contra aid has become so tarnished by the Iran investigation and by the chaos within the Contra leadership ranks that the President has now decided to delay releasing the \$40 million. And the Contras may never see the \$105 million he wanted to send down later in the year.

JENNINGS: Well, the Iran affair was swirling around another forum on the Hill today. It was the second day of hearings for Robert Gates, the man the President would like to be the new Director of the CIA. Today Mr. Gates got another grilling.

ABC's Brit Hume was there.

BRIT HUME: Again today, Gates tried to convince senators there was no cover-up in what he and the CIA told Congress after the Iran affair came to light. But he ran into a storm of questions and criticism about CIA chief Casey's first testimony to this committee, testimony prepared under Gates' supervision.

SENATOR ARLEN SPECTER: I come back, with particularity, to the testimony that was given by Director Casey on November 21st, which was skimpy, scanty, uninformative, and really misleading.

HUME: Why, demanded Specter, had Casey not mentioned that the CIA had flown some of the arms into Iran in November

1985? A mission for which retroactive presidential approval, a so-called finding, was later sought by CIA Legal Counsel Stanley Sporkin.

ROBERT GATES: Senator, the judgment at the time, and to this day, by our attorneys at the Agency was that the role that our officers played in facilitating the flight on the 22nd and 23rd of November 1985 was not an illegal action and did not require a finding.

SENATOR SPECTER: Why did General Counsel Sporkin, then, draft a finding which tried to cover CIA activities which had already taken place? Are you saying that he tried to go that even though it was unnecessary to do?

GATES: That is what the General Counsel at the time said, and that is what our General Counsel to this day continues to say, sir.

SENATOR SPECTER: Well, I think you're wrong, Mr. Gates.

HUME: Gates later said he did not believe in retroactive findings and that he didn't know of any, except that one.

SENATOR BILL BRADLEY: As Director of Central Intelligence, what would you do if you found one?

GATES: Well, the first thing I would do would be to hop in a car and come up here.

[Laughter]

SENATOR BRADLEY: Well, you're learning, Mr. Gates.

HUME: And he seemed to score another point with an answer to Specter.

SENATOR SPECTER: Did you ever say to Director Casey, "I think the policy about Iran is wrong?"

GATES: Yes, sir. I told the Director that I thought the entire activity should be called off, that the whole policy was a bad idea.

HUME: The committee won't vote on Gates until after the Tower Commission issues its report. Barring unforeseen damage, Gates appears to have weathered the storm.